

BEFORE THE BOARD OF PUBLIC EDUCATION
OF THE STATE OF MONTANA

In the matter of the adoption of New)	NOTICE OF PUBLIC HEARING ON
Rule I and the amendment of ARM)	PROPOSED ADOPTION AND
10.55.701 pertaining to hazard and)	AMENDMENT
emergency plans)	

TO: All Concerned Persons

1. On June 26, 2019, at 10:00 a.m., the Board of Public Education will hold a public hearing in the Superintendent's Conference room at 1227 11th Avenue, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The board will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on June 19, 2019, to advise us of the nature of the accommodation that you need. Please contact Pete Donovan, Executive Director, 46 N. Last Chance Gulch, Suite 2B, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0300; fax (406) 444-0847; or e-mail pdonovan@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I HAZARD AND EMERGENCY PLANS (1) A local board of trustees shall adopt a policy addressing a school safety plan or emergency operations plan. The plan required by this rule shall be periodically reviewed and updated as determined necessary by the trustees based on changing circumstances pertaining to school safety.

(2) The plan shall include:

(a) identification and assessment of the risks posed by potential local hazards within the boundaries of its school district;

(b) designing and incorporating regularly conducted disaster drills to address the hazards identified pursuant to (1);

(c) prevention, mitigation, response, and recovery before, during, and after an event; and

(d) training.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-2-121, MCA

4. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

10.55.701 BOARD OF TRUSTEES (1) through (2)(p) remain the same.

(q) a policy addressing hazard and emergency plans as outlined in [NEW RULE I];

- (q) and (r) remain the same but are renumbered (r) and (s).
- (3) through (5) remain the same.

AUTH: Mont. Const. Art. X, sec. 9, 20-2-114, MCA

IMP: Mont. Const. Art. X, sec. 9, 20-2-121, MCA

5. REASON: The Board of Public Education proposes to adopt and amend rules pertaining to hazard and emergency plans requiring Montana school district trustees adopt a school safety plan or emergency operations plan. School district trustees are required to certify to the Office of Public Instruction (OPI) that a school safety plan or emergency operations plan has been adopted. Adopting and amending ARM 10.55.701 is the result of legislative action amending 20-1-401, MCA, Disaster Drills. Based on legislative action, the process for amending the standards of accreditation ensures every Montana school district board of trustees will meet the legislative intent by adopting, periodically reviewing, and updating the plan.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Pete Donovan, Executive Director, Board of Public Education, 46 N. Last Chance Gulch, Suite 2B, P.O. Box 200601, Helena, Montana, 59620-0601; telephone (406) 444-0300; fax (406) 444-0847; or e-mail pdonovan@mt.gov, and must be received no later than 5:00 p.m., June 26, 2019.

7. Pete Donovan, Executive Director, has been designated to preside over and conduct this hearing.

8. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 2 above or may be made by completing a request form at any rules hearing held by the board.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption and amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Pete Donovan

Pete Donovan
Rule Reviewer

/s/ Darlene Schottle

Darlene Schottle
Chair
Board of Public Education

Certified to the Secretary of State May 14, 2019.